REMARKS

By this Amendment, claims 9, 14 and 21 have been amended. Thus, claims 1-7, 9-10, 13-21 remain currently pending, having withdrawn claims 1-7 and 15-20 from consideration due to a restriction requirement. No new matter has been added. Applicants respectfully request reconsideration of the application based on the foregoing amendments and the following remarks.

Claim 14 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Final Action alleges that there is insufficient antecedent basis for the aspect of "the predetermined command." Although Applicants do not necessarily agree, claim 14 has been amended to recite "a predetermined command." Thus, Applicants respectfully request that this rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 13 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Applicant's admitted prior art ("AAPA") in view of U.S. 6,285,823 to Saeki *et al.* ("Saeki"). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over AAPA in view of Saeki and in further view of U.S. Patent No. 6,282,320 to Hasegawa *et al.* ("Hasegawa").

Applicants disagree with the propriety of the rejection. However, solely in an effort to expedite prosecution, claim 21 has been amended to clarify points of patentability over the references of record. Thus, claim 21 is directed to an information storage medium encoded with a data structure and recites aspects including, *inter alia*, a video and a data recording area included within a data area, wherein the video and the data recording area includes a program chain command table information having a description area, the description area storing a pre-command, a post-command, a cell command, and a resume command, wherein the resume command is processed in a disk player which reproduces the information medium such that when a resume operation is executed, the disk player is configured to check an existence of the resume command in the program chain command table information which is specified by a resume information, before starting playback of the program chain command table information, and when the resume command exists in the program chain command table information, the resume command is executed at first in the disk player and when the resume command does not exist in the program chain command table information, the resume operation is executed in the disk player. AAPA and the cited portions of Saeki and

Hasegawa, taken individually or in combination, clearly fail to disclose, teach or render obvious at least these aspects as recited in claim 21.

AAPA merely teaches a data structure for a DVD disk, wherein reproducing control information, also called a program chain (PGC), includes a control command of a pre-command, a post command, and a cell command and at least a zero program. *See*, lines 6-17, page 2 of the instant application.

Moreover, the Final Action concedes that AAPA fails to teach the aspect of the resume command and attempts to cure these deficiencies of the AAPA by modifying the AAPA with the teachings of Saeki. Specifically, the Final Action relies upon column 28, lines 16-23 of Saeki to teach the aspect of the resume command. Applicants respectfully disagree. In particular, the relied upon portion of Saeki states:

> At this time, the reproduction control unit 937 interrupts the reproduction of the PGC#2, and as it is in the highlight section, stores the return address set in the DSI packet in the management pack of the VOBU#6 into the buffer memory in the system state management unit 935. This return address is the start address of the VOBU#2. Moreover, the reproduction control unit 937 stores the system state such as the button number being in the selected state at that time.

At most, this section merely teaches that the reproduction device of Saeki, using the reproduction control unit 937, stores information related to return address and system state in a buffer memory. There is nothing within the cited portions of Saeki that teaches an ***information storage medium*** encoded with a data structure, wherein the video and the data recording area includes a program chain command table information having a description area, the description area storing a pre-command, a post-command, a cell command, and ***a resume command***.

Furthermore, since the cited portions of Saeki fail to teach the aspects of the resume command stored within the data structure of the information storage medium, then cited portions of Saeki also fail to teach the aspects that the resume command is processed in a disk player which reproduces the information medium such that when a resume operation is executed, the disk player is configured to check an existence of the resume command in the program chain command table information which is specified by a resume information, before starting playback of the program chain command table information, and when the resume command exists in the program chain command table information, the resume command is executed at first in the disk player and when the resume command does not exist

in the program chain command table information, the resume operation is executed in the disk player, as recited in claim 21.

Further, Applicants submit that the Final Action has not provided the requisite and proper analysis as to why one of ordinary skill in the art would modify the cited elements of AAPA with the teachings of Saeki. *See KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350, slip opinion at page 14 (U.S. Apr. 30, 2007) (a determination, with supporting evidence, must be made as to "whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit"). Instead, the Final Action merely offers a conclusory statement that it would have been obvious to provide the apparatus of AAPA with the resume command of Saeki because it would allow the apparatus to return to the original scene. This is clearly inadequate under the Supreme Court's *KSR* decision since the Final Action cites absolutely nothing which supports such a conclusion. In addition, a mere statement that a purported modification allows a particular capability is not a sufficient basis for an obviousness determination. Absent a teaching within the references themselves, or in the knowledge generally available to one of ordinary skill in the art, suggesting a desirability of having the information storage medium encoded with a data structure having a resume command within the particular context of the AAPA and in the particular manner posited by the Final Action, the purported modification is legally incapable of supporting an obviousness determination.

Claims 9-10 and 13-14 are allowable *at least* by virtue of their dependence from claim 21, and for the additional aspects they recite.

Therefore, for at least the above reasons, Applicants respectfully submits that claims 9-10, 13-14 and 21 are patentable.

Having addressed each of the foregoing objection and rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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